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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,280	12/30/2003	Maer Skegin	DE063	2379

7590 03/17/2006  
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EXAMINER
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TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

31

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/751,280	SKEGIN, MAER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Tsidulko	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-27,33-36 and 38-53 is/are allowed.
- 6) ☒ Claim(s) 28-32,37,54-58,60-62 and 64-67 is/are rejected.
- 7) ☒ Claim(s) 59 and 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The submission of amendment filed on 12/22/2005 is acknowledged. At this point claims 1, 3, 4, 6-11, 18, 21-26, 28-44, 46-49, 51-53 have been amended, claim 2 has been canceled, new claims 54-67 have been added and the remaining claims left unchanged. Thus, claims 1, 3-67 are at issue in the instant application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-32, 58, 60, 61, 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378).

Referring to Claim 28 Wedell et al. disclose (Fig.1) a lighting device having a housing [2] formed as unitary extrusion (col.7, lines 50-59) including a top, a rear compartment, a reflector [16] under the top and facing an underside of the housing, a socket [14] and wiring connected to the socket.

Wedell et al. discloses the instant claimed invention except for that the housing has substantially constant cross section.

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Providing the housing with substantially constant cross section allows to simplify the structure of the molding surfaces of the extrusion form and therefore to reduce the price of the form.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the housing of the device of Wedell et al. having substantially constant cross section, in order to reduce the price of the extrusion form.

Referring to Claim 29 Wedell et al. disclose that the housing [2] is preferably molded with the reflector (col.7, lines 56-59). In this case, a part of the reflector in front of the bulb forms a middle wall, which divides the housing on two separate compartments.

Also, Wedell et al. disclose an electrical wiring (col.10, lines 29-32) from rear compartment through an opening [44] (Fig.2) connected to the lamp socket

Referring to Claims 30, 31 since Wedell et al. disclose the instant claimed invention except for that the housing is made of aluminum.

It is well known in the art, that aluminum has a low specific gravity, but strength higher than plastic. Also, using the aluminum allows to provide cold stamping for forming the housing, what is cheaper than injection molding of plastic.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the housing of the device of Wedell et al. made of aluminum, as an alternative material, in order to reduce the price of the process of forming.

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Referring to Claim 32 Wedell et al. disclose a housing [2] including a top panel, a front having a sloping portion and a drop portion, and a middle wall (a part of the reflector molded in front of the bulb).

Referring to Claim 39 Wedell et al. disclose (Fig.2) a plug [36], which is a female electrical connector. Since a male electrical connector is not shown, it is clearly understood, that only male electrical connector may be used for connection with female connector in order to supply an electrical power, of course in connection with a power cord. Also male [200] and female [220] connectors are shown on Fig.20.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the electrical connectors of opposite gender connected to the wiring of the device of Wedell et al., in order to supply an electrical power to the lamp.

Referring to Claim 58 Wedell et al. disclose (Fig.1) a lighting device having a housing [2] formed as unitary extrusion (col.7, lines 50-59) including a top, a rear compartment, a reflector [16] under the top and facing an underside of the housing, a socket [14] and wiring connected to the socket. Wedell et al. also disclose that the housing [2] is preferably molded with the reflector (col.7, lines 56-59). In this case, a part of the reflector in front of the bulb forms a middle wall, which divides the housing on two separate compartments.

Wedell et al. discloses the instant claimed invention except for that the housing has substantially constant cross section.

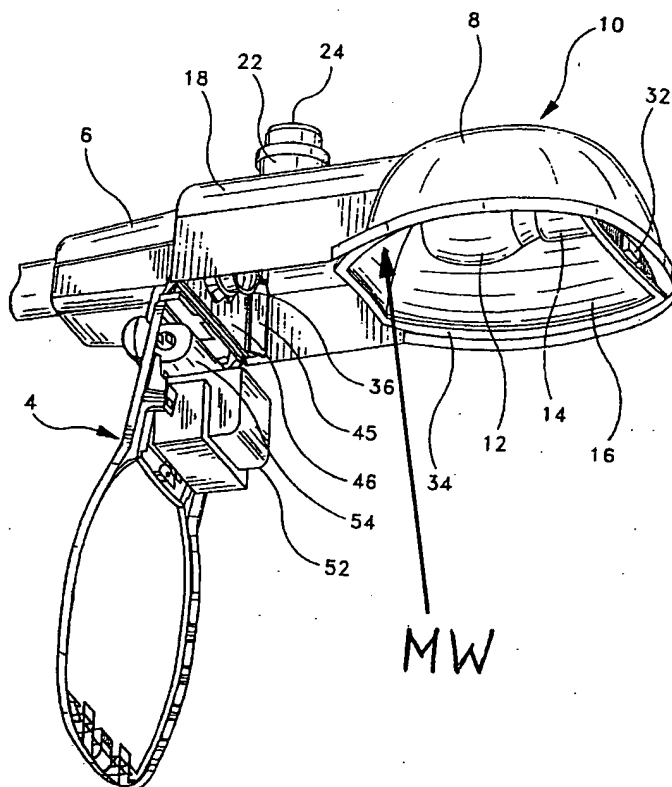
It is understood, that the housing can obtain any desired form depending on necessity without changing the functionality of the lighting device.

Referring to Claim 60 Wedell et al. disclose (Fig.1) a window panel [4].

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Referring to Claim 61 Wedell et al. disclose (Fig.1) a reflector [16] facing underside of the housing.

Referring to Claims 64-66 Wedell et al. disclose (Fig.2) a housing [2] having opposite ends, a lamp socket [14] supported under the housing, a wiring in a rear compartment (col.10, lines 29-32), a rear cover [46] and a window panel [4]. Wedell et al. also disclose that the housing [2] is preferably molded with the reflector (col.7, lines 56-59). The part of the reflector (indicated by the Examiner with reference character "MW", see Fig. below), forms a middle wall, which divides the housing on two separate compartments.



Regarding claim(s) 28-32, 58, 65 please note, that the method of forming the device is not germane to the issue of patentability of the device itself. Even though the claim(s) are limited by and defined by the recited process, the determination of patentability of the product is

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based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, these (i.e. method of forming the device) limitations has not been given patentable weight.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the housing of the device of Wedell et al. having a substantially constant cross section, as alternative form, in order to enclose the inner parts of the device.

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378) in view of Eagan (US 5,568,965).

Wedell et al. disclose (Fig.1) a partition (middle wall) transverse to the housing top.

Wedell et al. disclose the instant claimed invention except for a switch compartment having removable bottom cover.

Eagan discloses (Fig.3) a switch compartment [12] having removable bottom cover [24] (col.2, lines 51-55) in order to obtain an access to the compartment and prevent the user from contact with electrical parts located inside of the compartment. Since Eagan discloses a switch button mounted on the side wall of the compartment, it will of course be understood for those skilled in the art, that the switch button may be mounted at any desired place of the compartment, because does not change functionality of the switch.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the switch compartment, as taught by Eagan, for the device of

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Wedell et al., in order to obtain an access to the compartment and prevent the user from contact with electrical parts located inside of the compartment.

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378) in view of Guritz et al. (US 4,811,183).

Wedell et al. disclose the instant claimed invention except for a transformer disposed in a switch compartment.

Guritz et al. disclose an electrical transformer disposed in a switch box (col. 4, lines 26-28). As well known in the art, the transformer is used for regulation of the voltage in a circuit. It is understood, that the transformer can be disposed at any desired place of the device depending on structure and form of the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the electrical transformer in a switch compartment, as taught by Guritz et al., for the device of Wedell et al., for the purpose of the voltage regulation.

***Allowable Subject Matter***

Claims 1, 3-27, 33-36, 38-53 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 1 the prior art of record fails to show a light fixture having a window panel slidable between a closed condition and a released condition, being supported against pivotal movement in the closed position, but pivotable from the released condition and open condition.

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Claims 3-10 and 18-25, 27 are allowed as claims depended on claim 1.

Referring to Claim 11 the prior art of record fails to show a light fixture including a window panel having two opposite sides between the front and rear edges and a front pin and a rear pin on each of these sides, each of the pins being captive in a corresponding slot in the housing, the front pin being slidable in the corresponding slot for freeing the front pin through an open forward end thereof thereby to release the panel for movement about the rear pin to the open condition.

Claims 12-17 are allowed as claims depended on claim 11.

Referring to Claim 26 the prior art of record fails to show a light fixture having a plurality of translucent window panels each hinged to the housing under a corresponding the reflector and each being independently releasable for movement between a closed and an open position.

Referring to Claims 33, 34 and 41 the prior art of record fails to show a rear compartment having a bottom.

Claim 35 is allowed as claims depended on claim 33.

Claims 36-40 are allowed as claims depended on claim 34.

Claims 42-44 are allowed as claims depended on claim 41.

Referring to Claims 45, 50 and 56 the prior art of record fails to show a light fixture housing having a downward facing concave top section joined to an upwardly facing concave rear section.

Claims 46-49 are allowed as claims depended on Claim 45.

Claims 51-55 are allowed as claims depended on Claim 50.

Claim 57 is allowed as claims depended on claim 56.

Claims 59, 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to Claim 59 the prior art of record fails to show a partition dividing a rear compartment into a switch compartment.

Referring to Claim 63 the prior art of record fails to show the end caps on the opposite housing ends.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.  
March 3, 2006



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